

#19 DAE

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By: [Signature]  
 Chyanh Appling

Atty Docket No: 407T-897221US  
 Client Ref: 95-276-3

*Papers in wrong case*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

JAMES D. MARKS, and ROBERT SCHIER

Application No: ~~09/315,574~~ *10/092640*

Filed: 5/20/1999

For: NOVEL HIGH AFFINITY HUMAN ANTIBODIES TO TUMOR ANTIGENS

Examiner: Christopher H. Yaen

Art Unit: 1642

Confirmation No: 1369

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PRIORITY CLAIM UNDER 37 C.F.R. §1.78(a)(3)**

Mail Stop: PETITION  
 Commissioner for Patents  
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Applicants hereby petition for acceptance of an unintentionally delayed priority claim under 37 C.F.R. §1.78(a)(3). In particular, Applicants petition to correct the priority claim of the above-identified patent application as follows:

Adjustment date: 09/18/2006 CKHLOK  
 03/30/2006 TBESHAH1 00000033 500893 09315574  
 01 FC:1454 1370.00 CR

[0001] This application is a divisional of USSN 09/315,574, filed on May 20, 1999, now patent No: 6,512,097, which is a Divisional of USSN 08/665,202 filed on June 13, 1996, now U.S. Pat. No. 5,977,322, which is a continuation-in-part of United States Provisional Applications U.S.S.N. 60/000,238 and U.S.S.N. 60/000,250, filed on June 14, 1995 and June 15, 1995 respectively. These applications are incorporated by reference for all purposes.

03/30/2006 TBESHAH1 00000033 500893 09315574  
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09/18/2006 CKHLOK 00000012 500893 10092640  
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Applicants note that the subject application as originally filed, properly identified the immediate priority document (USSN 09/315,574, now Patent No: 6,512,097) and the ultimate priority documents (U.S.S.N. 60/000,238 and U.S.S.N. 60/000,250). The intervening reference (USSN 08/655,202, now patent 5,877,322) was inadvertently omitted.

Applicants further note, that by virtue of the incorporation by reference of USSN 09/315,574), the intervening reference (USSN 08/655,202) was *de facto* present in the subject application as filed.


In support of this petition, Applicants note the following:

- 1) Reference to the priority documents as required by 35 U.S.C. §120 was made by amendment in the amendment filed on March 27, 2006 a copy of which is attached.
- 2) The Commissioner is authorized to charge the \$1,370.00 fee pursuant to 37 C.F.R. §1.17(t) from Deposit Account Number 50-0893.
- 3) The entire delay between the date the corrected priority claim was due and the date the corrected priority claim was filed was unintentional.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 769-3513.

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Respectfully submitted,

  
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